

# United States District Court

## EASTERN DISTRICT OF OKLAHOMA

**In the matter of the search of:**

**A 2023 gray Kia Niro bearing California license plate 9DJP312, VIN KNDCR3LEXP5043379, currently in the possession of the Eufaula Police Department, located at 48 Memorial Drive, Eufaula Oklahoma**

**Case No. 23-MJ-259-JAR**

### APPLICATION FOR SEARCH WARRANT

I, Lucas Keck, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that there is now concealed on the following person or property located in the EASTERN District of OKLAHOMA:

**SEE ATTACHMENT "A"**

The person or property to be searched, described above, is believed to conceal:

**SEE ATTACHMENT "B"**

The basis for the search under Fed. R. Crim. P. 41(c) is:

- ☒ evidence of a crime;
- ☒ contraband, fruits of crime, or other items illegally possessed;
- ☐ property designed for use, intended for use, or used in committing a crime;
- ☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of Title 18, United States Code, Section 922(o), and the application is based on these facts:

- ☒ Continued on the attached sheet.
- ☐ Delayed notice of \_\_\_\_\_ days (give exact ending date if more than 30 days: \_\_\_\_\_) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

Sworn to on:

Date: October 23, 2023

City and state: Muskogee, Oklahoma



*Lucas Keck*

LUCAS KECK

Special Agent

Bureau of Alcohol, Tobacco, Firearms and Explosives

*Jason A. Roberts*

UNITED STATES MAGISTRATE JUDGE

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF OKLAHOMA**

**In the matter of the search of:**

**A 2023 gray Kia Niro bearing California  
license plate 9DJP312, VIN  
KNDCR3LEXP5043379, currently in the  
possession of the Eufaula Police Department,  
located at 48 Memorial Drive, Eufaula  
Oklahoma**

**Case No. 23-MJ-259-JAR**

**AFFIDAVIT IN SUPPORT OF SEARCH WARRANT**

I, Lucas Keck, being duly sworn, depose and state as follows:

**INTRODUCTION AND AGENT BACKGROUND**

1. I make this affidavit in support of an application under Rule 41 of the Federal Rules of Criminal Procedure authorizing a search of a vehicle, one 2023 Kia Niro, gray in color, bearing California license plate 9DJP312 (VIN: KNDCR3LEXP5043379), currently secured at the Eufaula Police Department, 48 Memorial Drive, Eufaula, Oklahoma 74432, which is believed to contain evidence of violations of 18 U.S.C. § 922(o), Possession of a Machinegun. Attachment A further describes the vehicle to be searched, and Attachment B the evidence sought in pursuit of this Warrant.

2. I am a Special Agent (SA) with the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF). I am currently assigned to the ATF Tulsa Field Office in the Northern Judicial District of Oklahoma, where my duties are in the Northern District of Oklahoma and the Eastern District of Oklahoma. I am an investigative officer, or law enforcement officer, of the United States of America within the meaning of Title 18, United States Code, Section 2510(7), that is, an officer of the United States who is empowered by law to conduct investigations of, and make arrests for, offenses

enumerated in Title 18. I have been employed by ATF since 2015, and prior to my employment with ATF I was a Special Agent with the United States Secret Service (USSS) from 2009 through 2015.

3. During my employment as an ATF Special Agent, I have received specialized training regarding, and have personally participated in, various types of investigative activity. This includes, but is not limited to, the following: (a) physical surveillance; (b) the debriefing of defendants, witnesses, informants and other individuals who have knowledge concerning violations of federal firearms laws; (c) arson investigations; (d) homicide investigations; (e) undercover operations; (f) the execution of search warrants; (g) the consensual monitoring and recording of conversations; (h) electronic surveillance through the use of pen registers and trap and trace devices; (i) the court-authorized interception of both wire and electronic communications (i.e., Title III wiretaps); and (j) the handling and maintenance of evidence.

4. During my employment with the USSS, I conducted and participated in investigations for counterfeit currency, to include: purchasing counterfeit currency with confidential informants and undercover agents, identity theft investigations, credit card fraud, and bank fraud in both state and federal courts in the Southern District of Texas. During my employment with ATF and with the USSS, I have assisted other agencies and law enforcement, including the Drug Enforcement Administration (DEA), with investigations regarding firearms and narcotics.

5. During my employment with ATF, I have graduated the Special Agent Basic Training (SABT) in Glynco, GA. I have graduated the ATF Firearms Interstate

NEXUS Training Course and the ATF Advanced Interstate NEXUS Course. During the course of my investigations, and through assisting other agents with investigations, I have handled and examined over one thousand firearms and multiple brands and calibers of ammunition. The firearms in these investigations have included pistols, revolvers, rifles, shotguns, machineguns, short-barreled rifles and shotguns, weapons made from rifles and shotguns, and destructive devices.

6. Additionally, I retired as a Lieutenant Colonel in the United States Marine Corps (USMC). I served for over twenty years on active and reserve duty. During my service with the USMC, I have served as an intelligence officer and an infantry officer. Both of those specialties required me to learn, train, study, and employ firearms utilized by the USMC. These weapons included pistols, rifles, machine guns, mortars, and anti-tank rockets. I have attended training courses on foreign weapons systems and ammunition, to include identification, assembly and disassembly, and live fire with Russian, Chinese, Israeli, Italian, British, German, Swedish, and Czechoslovakian firearms while in the US Marine Corps.

7. This affidavit contains only the information I believe is necessary to support probable cause for this application. I have not included every fact or matter observed by me or known by other law enforcement officers. This information is based on my personal knowledge and observations during this investigation, information conveyed to me by other law enforcement officers, and my review of records, documents, and other physical evidence obtained during this investigation.

8. I submit there is probable cause to believe that the 2023 Kia Niro, gray in color, bearing California license plate 9DJP312 (VIN: KNDCR3LEXP5043379), contains evidence of the aforementioned federal violation, as set forth in Attachment B.

**PROBABLE CAUSE**

9. **Criminal Actors:** The persons who engaged in criminal activity relevant to the requested search warrant are Brandi Renee BURTON (hereinafter BURTON) and Tarrin C. LANG (hereinafter LANG).

10. **Jurisdiction:** The facts and circumstances alleged in this Affidavit occurred within the Eastern District of Oklahoma, and the item to be searched is located in the Eastern District of Oklahoma. All the locations associated with these events are near Eufaula, McIntosh County, Oklahoma.

11. On October 1, 2023, the Eufaula Police Department (EPD) conducted a traffic stop on a vehicle driven by BURTON. The only other occupant of the vehicle was LANG, seated in the front passenger seat. The vehicle was stopped for a violation of Title 47, Oklahoma Statutes, Section 11-309. While making contact with BURTON, EPD noted a strong odor of marijuana coming from the vehicle. EPD asked how much marijuana was in the vehicle. BURTON replied that there was none. EPD conducted a probable cause search of the vehicle.

12. EPD located items consistent with marijuana smoking in BURTON's purse. BURTON then told EPD that she and LANG do smoke marijuana. BURTON stated they had not smoked marijuana since Dallas, the city from which they were driving. EPD noted the odor of marijuana was stronger near the trunk of the car, and asked BURTON to identify where the marijuana was. BURTON pointed out a suitcase

that was red, white, and black inside the trunk. The search yielded approximately 3 pounds of marijuana and over \$18,000.00 in cash.

13. While searching the remainder of the vehicle, EPD located a loaded Glock, Model 30Gen4, .45ACP caliber, semi-automatic pistol. The pistol was in the glove box in front of the passenger, LANG.

14. EPD asked LANG about the firearm and was told by LANG he did not want to discuss the firearm. LANG told EPD he did not have identification with him and was 16 years old. EPD later learned of LANG's true identity, and that LANG was an adult.

15. After determining LANG's identity, EPD discovered LANG had an active warrant from the Bureau of Alcohol, Tobacco, Firearms, and Explosives out of the District of Kansas.

16. BURTON and LANG were subsequently arrested and charged by the McIntosh County District Attorney's Office with narcotics and firearms violations.

17. On October 2, 2023, the McIntosh County District Attorney's Office contacted SA Keck regarding LANG and his ATF warrant. SA Keck learned the warrant was from the District of Kansas and was for violations of 21 U.S.C. § 841(a)(1), Possession with Intent to Distribute Marijuana and 18 U.S.C. § 924(c), Possession of a Firearm in Furtherance of a Drug Trafficking Crime. The ATF agent assigned to the case in the District of Kansas informed SA Keck that LANG was previously in possession of a Glock firearm with a machinegun conversion device (MCD) attached to the pistol, and suspected LANG may have another MCD attached to the pistol recovered by EPD.

18. On October 4, 2023, SA Keck examined the Glock pistol recovered during LANG's October 1 arrest by the Eufaula Police Department. SA Keck noted the back plate on the slide of the Glock pistol appeared to have been modified, specifically with a notch cut in the plastic of the back plate. SA Keck contacted ATF Firearms Enforcement Officer (FEO) Eve Eisenbise, who possesses specialized training and experience in identifying firearms with MCDs. While discussing with FEO Eisenbise the firearm modifications necessary to utilize a MCD, SA Keck noted a groove on the frame of the Glock pistol. This groove is not original to the firearm. FEO Eisenbise advised that the groove or notch is consistent with the installation of a MCD on a Glock pistol to make the firearm fire fully automatic. Photographs taken by SA Keck of the Glock pistol's notches are contained in Attachment C, paragraph 1.

19. The Kansas City case agent, ATF SA Joshua Temple, provided SA Keck with a photograph of a piece of metal attached to the back plate on the slide of a Glock pistol that was seized from LANG during a police interaction in Kansas City. Photographs in Attachment C, paragraph 2, are for reference regarding what a similar MCD may look like both attached and detached from a firearm, although there are multiple variations of MCDs capable of being attached to Glock-style firearms.

20. The metal device shown in Attachment C, paragraph 2, is consistent with the marks and notch on the Glock firearm SA Keck examined in Eufaula, Oklahoma. SA Keck believes that the firearm seized by EPD had the metal piece installed prior to the traffic stop and was removed before EPD had the occupant exit the vehicle. Through training and experience, SA Keck is aware that this metal piece is easy to remove from a Glock firearm without disassembling the firearm. SA Keck is also aware that this piece

of metal is often overlooked by law enforcement conducting searches, who are often unaware that it is contraband. SA Keck believes there is a strong likelihood this metal piece is still within the vehicle that LANG and BURTON occupied because SA Keck's training and experience have shown that MCDs are often kept in close proximity to the firearms they modify, if not already attached.

21. SA Keck knows that the 2023 Kia Niro, gray in color, bearing California license plate 9DJP312 (VIN: KNDCR3LEXP5043379), currently secured at the Eufaula Police Department, 48 Memorial Drive, Eufaula, Oklahoma 74432, has been at this secure location since LANG and BURTON's arrests on October 1, 2023. This vehicle is in a secure facility and has been held since it was towed after the arrests to the police department. SA Keck knows that the vehicle has not been tampered with since it was placed at the police department on October 1, 2023.

22. SA Keck is requesting a search warrant be issued for any items consistent with MCDs, as well as any items pertaining to possession, ownership, and disposition of the firearm found in the glovebox of the October 1 vehicle search. These items include gun cases, ammunition, ammunition magazines, holsters, spare parts for firearms, firearms cleaning equipment, photographs and video tapes of firearms or person(s) in possession of firearms, acquisition or ownership documents, and receipts for the purchase and for repair of all of these items. In my training and experience, the presence of any of these items will aid the investigation into a firearms violation by tending to show possession or intent to control the firearm in question by a potential suspect.

**CONCLUSION**

23. Based upon my training and experience in investigating cases involving firearms violations, and the facts set forth herein, I submit that there is probable cause that Tarrin C. LANG has violated 18 U.S.C. § 922(o), Possession of a Machinegun. I further submit that evidence and instrumentalities relating to this criminal conduct as further described in Attachment B will be found inside of the 2023 Kia Niro, gray in color, bearing California license plate 9DJP312 (VIN: KNDCR3LEXP5043379), currently secured at the Eufaula Police Department, 48 Memorial Drive, Eufaula, Oklahoma 74432, as described in Attachment A. Therefore, I respectfully request that this Court issue a search warrant for the vehicle described in Attachment A, authorizing the seizure of the items described in Attachment B.

Respectfully submitted,

*Lucas Keck*

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Lucas Keck, Special Agent  
Bureau of Alcohol, Tobacco, Firearms and  
Explosives

Subscribed and sworn to on October 23, 2023.

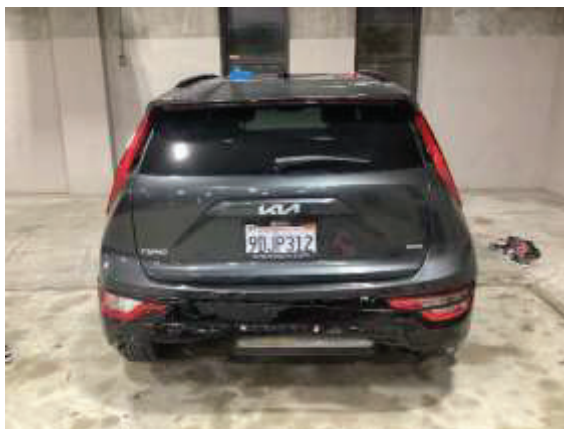
A handwritten signature in blue ink, appearing to read "Jason A. Roberts", with a long horizontal flourish extending to the right.

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UNITED STATES MAGISTRATE JUDGE

**ATTACHMENT A**

1. The property to be searched is a 2023 Kia, bearing California license plate 9DJP312 (VIN: KNDCR3LEXP5043379), currently secured at the Eufaula Police Department, 48 Memorial Drive, Eufaula, OK 74432.



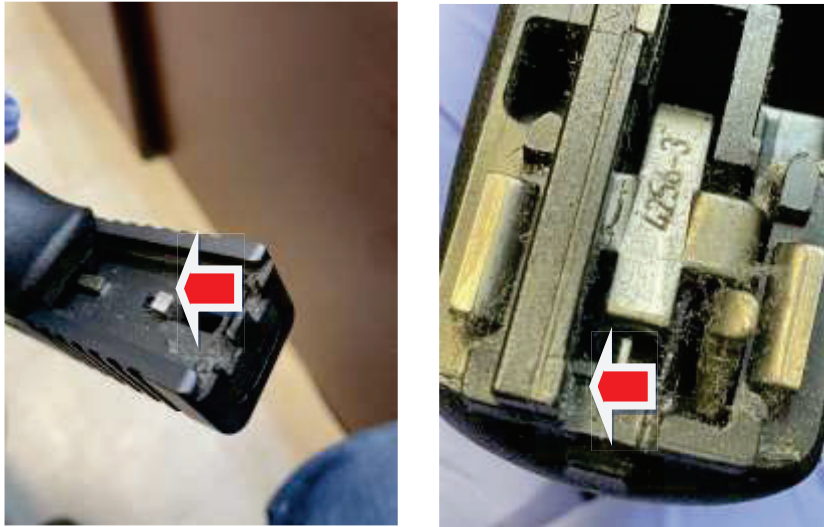
**ATTACHMENT B**

1. Any and all firearms or items consistent with machinegun conversion devices (MCDs).

Any items pertaining to the possession, ownership and/or disposition of any firearm, to include but not limited to gun cases, ammunition, ammunition magazines, holsters, spare parts for firearms, firearms cleaning equipment, photographs and video tapes of firearms or person(s) in possession of firearms, acquisition or ownership documents, and receipts for the purchase and for repair of all of these items.

### ATTACHMENT C

1. The following are photographs taken by SA Keck while examining the Glock pistol recovered during LANG's October 1 arrest by the Eufaula Police Department. The groove or notch (indicated by red arrows) is consistent with the installation of a MCD on a Glock pistol to make the firearm fire fully automatic.



2. The following photographs are for reference regarding what a similar MCD may look like both attached and detached from a firearm, although there are multiple variations of MCDs capable of being attached to Glock-style firearms. The metal device shown is consistent with the marks and notch on the Glock firearm SA Keck examined in Eufaula, Oklahoma after it was recovered from the vehicle's glovebox.

